

**Notice of Allowability**

Application No.

10/614,672

Examiner

Jerry T. Rahl

Applicant(s)

SLATKINE, MICHAEL

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Amendment received 10 April 2006.
2. ☒ The allowed claim(s) is/are 1,6,7,9-15,17-20,23-25,36-42,45-49,51,52,54,57-76,78-81 and 93-118.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

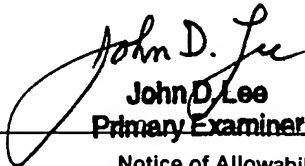
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

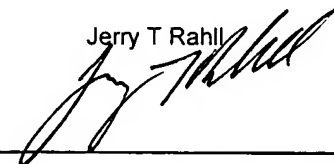
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
John D. Lee  
Primary Examiner

Jerry T Rahl  


### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Kevin McCarthy on June 20, 2006.

3. The application has been amended as follows: Claims 119 and 120 are canceled.

### **EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE**

4. In light of the amended Abstract submitted by the Applicant on April 10, 2006, the Examiner withdraws the objection to the specification, discussed in the Office Action mailed December 15, 2005

### ***Allowable Subject Matter***

5. Claims 1, 6-7, 9-15, 17-20, 23-25, 36-42, 45-49, 51, 52, 54, 57-76, 78-81, and 93-118 are allowed.

6. US Patent Application No 2002/0034012 to Santoro et al. describes a light source with a means for causing divergent light at a distal end of the source, where, at a first position of the distal end relative to a target, the energy density of a beam is substantially equal to the energy density of the light from the light source, and where, at a second position of the distal end relative to the target, the light emitted from the beam has an energy density significantly less than the energy density of the light from the light source.

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7. Regarding Claims 1, 9-15, 17-20, 23-25, 36-40, 42, 45-49, 51, 52, 54, 57-76, 78-81, and 93-118, Santoro et al. does not describe the first position as substantially in contact with a surface of the target.

8. Regarding Claims 6-7 and 41, Santoro et al. does not describe the diffuser as axially displaceable between an active position and inactive position, where, at the active position the energy density of a beam is substantially equal to the energy density of the light from the light source, and where at the inactive position the light emitted from the beam has an energy density significantly less than the energy density of the light from the light source.

9. US Patent Application No 2002/0034012 to Santoro et al. remains the closest prior art of record in this application. For the reasons stated above, however, Claims 1, 6, 7, 9-15, 17-20, 23-25, 36-42, 45-49, 51, 52, 54, 57-76, 78-81, and 93-118 herein are deemed to patentably distinguish over Santoro et al. and all other prior art of record.

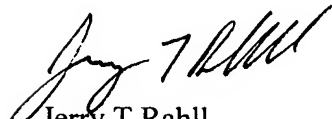
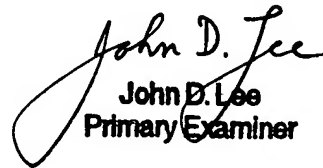
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry T. Rahll whose telephone number is (571) 272-2356. The examiner can normally be reached on M-Th (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jerry T Rahl  
John D. Lee  
Primary Examiner